

REMARKS

Claims 1-33 are pending in this application. Claims 1, 6, and 19 are independent. Claims 22-33 have been added. In light of the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-3, 5-8, 11, 12, and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over *Nishimura et al.* (USP 5,412,487) in view of *Suzuki* (JP 09-116792) and further in view of *Zamir* (USP 6,300,955); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Nishimura et al.* in view of *Suzuki*, *Zamir*, and *Maurinus* (USP 6,222,646); rejected claims 9, 13, and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Nishimura et al.* in view of *Suzuki*, *Zamir*, and *Shiota* (USP 6,011,547); rejected claims 10 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Nishimura et al.* in view of *Suzuki*, *Zamir*, and *Hirose* (USP 5,838,371); rejected claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Nishimura et al.* in view of *Suzuki*, *Zamir*, *Shiota*, and *Nagasaki* (USP 6,317,156); and rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Nishimura et al.*, *Suzuki*, *Zamir*, *Shiota*, and *Hirose*. Applicants respectfully traverse these rejections.

Claim Rejections - 35 U.S.C. § 103

With regard to the Examiner's rejection of claim 1, the Examiner admits that *Nishimura et al.* fails to teach or suggest recording the position of the principal subject on the recording medium. The Examiner relies on *Zamir* to cure the deficiencies of the teachings of *Nishimura et al.* by asserting that *Zamir* teaches providing for an operator to highlight the area around a subject where the system adjusts the highlights to more closely match the contours of the subject, citing to col. 3, lines 32-36. The Examiner further asserts that *Zamir* teaches storing the coordinates of the final highlighted area for later use, citing to col. 3, lines 37-45. Applicants respectfully disagree with the Examiner's characterization of this reference.

It is respectfully submitted that the disclosure set forth in the *Zamir* reference is directed to a method and system for mask generation. The system provides for a user to designate an area which encloses the subject which serves to provide an automated edge detector which is used to aid in the system's search for the boundary path. The tools further enable the user to reposition control points within the designated area and also to adjust the width of the area making it easy to converge upon a highlighted area with which the user is satisfied. The system further allows the program to save the highlighted area so that it can be

regenerated for later use and possible modification. The system stores a few control points and highlighted widths in order for the algorithm to generate a correct mask, thus achieving a high level of compression for the mask (col. 3, lines 27-43).

Specifically, *Zamir* teaches at col. 8, lines 59-63:

This is commonly done by applying an opacity mask to the original image, from which the subject is being extracted. The mask serves to designate the pixels of the subject as being opaque and the pixels of the remainder of the image as being transparent.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, a camera for recording a captured image on a recording medium in accordance with an instruction from a recording instruction device, the camera comprising a principal subject position recorder for recording, on the recording medium, principal subject positional information representing the position of the determined principal subject in the captured image when the captured image is recorded on the recording medium in accordance with the instruction from the recording instruction device.

It is respectfully submitted that the disclosure of *Zamir* teaches storing control points for generating a mask. *Zamir* fails to teach storing principal subject positional information representing the position of the determined principal subject in the captured image. In fact, *Zamir* teaches away from storing

principal subject positional information representing the position of the determined principal subject. For example, the Examiner's attention is respectfully directed to col. 8, line 63 - col. 9, line 3 which recites as follows:

Additionally, a mask can include varying opacities between these two extremes, in order to remove fringe artifacts from the silhouette. For applications which can process an image in multiple resolutions, the best representation of a mask is in "resolution-independent" coordinates, treating the image as a continuum of points, so that it can be applied at any desired resolution.

Thus, *Zamir* teaches storing those points which represent the mask. *Zamir* does not teach storing points which represent the principal subject as storing information relating to the mask provides for resolution-independent coordinates where the mask may be applied at any desired resolution. Thus, it is respectfully submitted that *Zamir* fails to cure the deficiencies of the teachings of *Nishimura et al.* as *Zamir* fails to teach storing the principal subject positional information representing the position of the determined principal subject as recited in claim 1. It is further respectfully submitted that *Suzuki* fails to cure the deficiencies of the teachings of *Nishimura et al.* as *Suzuki* additionally fails to teach or suggest this claimed element. Thus, as neither *Nishimura et al.*, *Suzuki*, nor *Zamir*, either alone or in combination (assuming these references may be combined, which Applicants do not admit), teach

recording principal subject positional information representing the position of the determined principal subject, it is respectfully submitted that claim 1 is not obvious over the references as cited by the Examiner.

It is further respectfully submitted that there is no motivation to combine the references as set forth by the Examiner. It is respectfully submitted that the invention set forth in *Nishimura et al.* is directed to a video camera and apparatus for extracting an object. Specifically, at col. 5, line 62 - col. 6, line 4, *Nishimura et al.* teaches:

The control circuit 4 via the microcomputer 106, on the basis of the information as the result of extraction, determines the shape, position, size, etc. of the designated object and outputs a control signal for bringing the designated object into focus to the in-focus control circuit 140. Then, the in-focus control circuit 140, in accordance with the control signal, based on the object data, output from the control circuit 120, controls the lens 7 so that the portion of the designated object extracted by the extractor circuit 3 is brought into focus.

As noted above, *Nishimura et al.* discloses an extractor circuit 4 for locating an object in order to ensure that object is properly in focus. As noted in col. 6, lines 7-18, the system tracks the designated object and maintains the object in focus as long as the designated object exists within the picture taking angle.

However, *Zamir*, in considering a still image, teaches storing information relating to a mask. It is respectfully submitted that there would be no motivation to combine the teachings of *Zamir*, namely, storing positional information relating to a mask in a still image with spot focusing in a video camera. Thus, it is respectfully submitted that these references are not combinable. As such, as there is no motivation to combine the teachings of the references, it is respectfully submitted that claim 1 is not obvious over the combination of the references.

It is respectfully submitted that claims dependent on claim 1 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. Further, it is respectfully submitted that independent claims 6 and 19 contain elements similar to those discussed above with regard to claim 1 and, thus, claims 6 and 19, together with claims dependent thereon, are not obvious, and thus allowable over, the combination of references as cited by the Examiner.

By this Amendment, Applicants have added new claims 22-33. It is respectfully submitted that the references cited by the Examiner, either alone or in combination, fail to teach or suggest the invention as set forth in these claims. As such, it is respectfully submitted that these claims are allowable over the references as cited.

Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


Applicants respectfully petition for a three (3) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$950.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, #32,181


MSW/CMV/jdm
0879-0217P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000